Supreme Court, U.S.
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NO. 97-178

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1997

DIANA FAIRECHILD,
Petitioner,

v.

UNITED AIRLINES, INC. AND
PACIFIC INSURANCE COMPANY, LTD.,
Respondents

On Petition for Writ of Certiorari to the Supreme Court of the State of Hawaii

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PETITIONER'S REPLY TO UNITED AIRLINES BRIEF IN OPPOSITION

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PETITIONER'S REPLY TO UNITED AIRLINES BRIEF IN OPPOSITION

1. Summary of Argument:

Judged solely from the posture of the Respondent and the content of the Brief in Opposition, it is respectfully submitted that the Supreme Court of the United States ought to grant certiorari.

The Respondent's Brief informs the Supreme Court that the "scenery" has changed from an "Uncle Tom's Cabin" to a plush airlines cabin, but that the "scenerio" of treating workers like slaves has been brought current. The Thirteenth Amendent is mandatory, however, it is not self-executing.

> A cabin is a cabin.
> A Master is a Master.
> A Servant is a Servant,
> And the "Law of Slavery" is still an unnatural law made by humans and their corporations in control of a Government.

When a State authorizes and encourages a Master to intentionally poison or otherwise abuse and waste a Servant while the Servant is working in the Master's cabin, and the Servant complains, and the Master instructs the Justices of the United States Supreme Court that they must sit obediently and silently in their seats, with their "seatbelts" (Juris-

diction) securely fastened while the Slave State protects the Master and silences the Servant with a Memorandum Opinion, the result is the same as when the Law of Slavery was the Supreme Law of our Country.

2. THE UNITED STATES SUPREME COURT HAS JURISDICTION AND OUGHT TO ENFORCE AMENDMENT XIII SUA SPONTE

In Herndon v. Georgia, 295 U.S. 441,447 J. Cardozo,dissenting with J. Brandeis and J. Stone (1934) wrote: " The settled doctrine is that when a constitutional privilege or immunity has been denied for the first time by a ruling made upon appeal, a litigant thus surprised may challenge the unexpected ruling by a motion for rehearing, and the challenge will be timely. Missouri v. Gehner, 281 U.S. 313, 320; Brinkerhoff-Faris Trust & Savings Co. v. Hill, 281 U.S. 673,678; American Surety Co. v. Baldwin, 287 U.S. 156,164; Great Northern Ry.Co. v. Sunburst Oil & Refining Co., 287 U.S. 358, 367; Saunders v. Shaw, 244 U.S. 317, 320. Within that settled doctrine the cause is rightly here."

It is the following sentence at 447 that explains why Petitioner must go into the merits and demonstrate how the federal issue came into the record. "Though the merits are

now irrelevant, the controversy must be so far explained as to show how a federal question came into the record".

The record demonstrates that the State of Hawaii has written into every employment contract the protected right of the employer ("MASTER") to intentionally poison, abuse or otherwise waste an employee ("SERVANT") and be responsible to the so abused Servant only to the extent of "bread and butter" money and necessary medical expense. That, it is respectfully submitted, is what the Master gave to the flogged Slave, if the said worker was still a valuable item of property; otherwise the said worker was discarded. (Ms. Fairechild was discarded without "bread and butter or necessary medical expense").

The record also demonstrates that lawyers and Judges appear to be so brainwashed, they are unable to percieve the existence of this unnatural law. Not only are those scholars insensitive to this brutal and cruel practice of intentionally poisoning employees, the record demonstrates that American Scholars of History, Journalism and Law (to name a few) have been sitting obediently and silently in the Masters' plush cabins with their seatbelts securly fastened while they were deprived of

fresh air, sprayed-like bugs- with a poison, and their lungs, nasal passages, lips, eyes and skins exposed to a fifteen (15) minute saturation of the poisoned atmosphere. Some of those Scholars and other meek passengers must have had allergies, diabetes, asthma, perforated ear drums, or other chronic conditions. Of course, the aforesaid passengers have their common law right to hold the Masters liable; but not the poisoned Servant under Hawai'i Law. That was why this Servant, Diana Fairechild, fled to the Free State of California where the Law of Freedom is respected.

Fairechild's flight from the Slave/Involuntary Servitude State of Hawai'i to the Free State of California can be compared with the flight of Margaret Morgan in 1832 from the Slave State of Maryland to the Free State of Pennsylvania. (Prigg v. Pennsylvania, 41 U.S. 539 (1857). Ms. Morgan was called a "Fugitive from labor". Ms Fairechild is a "Fugitive from labor law". Ms. Morgan was a victim of all of the cruel and brutal badges and incidents of the Law of Slavery. Ms. Fairechild was a victim of only the repetitive intentional poisonings by the corporate Masters who own the cabins.

Ms. Morgan, and her children, born to her under the Freedom Laws of Pennsylvania, were

subjected to the "Fugitive Slave Act of 1793" and relegated back to the State of Maryland Law of Slavery.

The corporate Master in Ms. Fairechild's case was permitted to weave its own "Fugitive Slave Act" and using a combination of the Federal Rules and the "Workers' Compensation Law of Hawai'i", relegated Ms Fairechild back to the Law of Hawai'i that protected the corporate Master and approved of its intentional poisoning and wasting her.

Appendix D presents the communications between the Federal Court (Northern District of California) and the Supreme Court of Hawai'i. These letters demonstrate that the Hawai'i Supreme Court was put on notice of the substantial differences between the compensation laws of California and Hawai'i and that Ms. Fairechild had confronted the corporate Master in California for having intentionally poisoned her.

The record shows that the Hawai'i Supreme Court knew, or should have known, that a violation of Amendment XIII existed.

> "Neither slavery nor involuntary servitude shall exist within the United States, or any place subject to their jurisdiction".

The Hawai'i Supreme Court refused to hear oral argument and disposed of Ms. Fairechild's

case via a "MEMORANDUM OPINION". (Appendix A).

This MEMORANDUM OPINION is the overt act of the State in support of the corporate Master's intentional poisoning and wasting of this human being. It is respectfully submitted that the Supreme Court of Hawai'i is an integral part of the Government that must provide "protection by the Government" to human beings as defined and instructed by the Supreme Court of the United States in Hodges v. United States, 203 U.S. 1, 15 (1905)

Ms. Fairechild's motion for reconsideration of the MEMORANDUM OPINION was timely and it clearly informed the Hawai'i Supreme Court that its action was a violation of Amendment XIII.

> "There is no doubt that the federal claim was timely if the ruling of the state court could not have been anticipated and a petition for rehearing presented the first opportunity for raising it". Herndon v. Georgia, p.444.

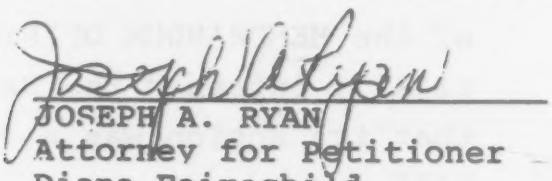
3. CONCLUSION

The record clearly demonstrates that Amendment XIII has been, and is being disregarded and violated by the State of Hawai'i. The People and the States need the help of the United States Supreme Court, and especially the employees in the State of Hawai'i. The State protection of corporate Masters who

intentionally poison and waste employees ought to be stopped. Granting the writ of certiorari will effectively give the Masters and the State an opportunity to show why the industries in Hawai'i need the protected right to poison and otherwise intentionally waste employees hired in Hawai'i.

DATED: Honolulu, Hawai'i August 29,1997

Respectfully submitted,



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